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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,144	12/05/2000	Joseph A. Burich	1410-67111	8090

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EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,144

Applicant(s)

BURICH, JOSEPH A.

Examiner

Jalatee Worjloh

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on July 19, 2004, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-28 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 10, 11, 13-17, 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2002/0082956 to Peterson et al.

Peterson et al. disclose a plurality of remotely connected computers connected together over a network (see paragraph [0030]), members accessing member information regarding products over ones of said remotely connected computers and wherein at least some member information regarding at least one product resides within at least one of the remotely connected computers, means for maintaining said member information regarding products, means for searching through member information regarding products responsive to an information request from a member and means for selectively allowing members to request said member information (see paragraphs [0037], [0059], [0060], [0322]).

Referring to claim 3, Peterson et al. disclose a web server storing static content information and serving said static content to member (see paragraph [0322]), an app server (i.e. menu option on the vendor's main page) storing applications for use by members and selectively executing stored applications responsive to selected requests from members (see paragraph [0139]), a database server storing said member information regarding products and also storing procedures and functions, said database server managing said stored member information, procedures and functions and providing selected portions of said member information regarding products responsive to appropriate requests from authorized members (see paragraph [0100], [0111], and [0322]) and a policy server (i.e. "Deport table") storing user security profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization of corresponding member (see paragraph [0349]).

Referring to claims 10 and 11, Peterson et al. disclose members of said system are members of a common industry; wherein the common industry includes suppliers, manufactures and customers (see paragraph [0037]).

Referring to claim 13, Peterson et al. disclose the system wherein member information regarding products is stored on member computers, member computers being ones of said remotely connected computers (see paragraph [0322]).

Referring to claim 14, Peterson et al. disclose at least a portion of said member information regarding products is located on a central computer with a database server (see paragraph [0321]).

Referring to claim 15, Peterson et al. disclose a central storage (i.e. information network database) storing product information for products related to a common industry (see paragraph [0321]), a web server interfacing members with selected product information stored in said central storage and as stored in remotely connected computers through which members interface to the information management system (see paragraphs [0052] and [0322]), a security policy server, selecting product information available to each member (see paragraph [0349]) and a specification storage (i.e. information network database) storing specifications for ones of said products, stored said specifications being selectively provided to ones of said interfacing members (see paragraphs [0130] and [0143]).

Referring to claim 16, Peterson et al. disclose an app server storing applications for use by members and selectively executing stored applications responsive to selected member requests form said web server (see paragraph [0139]) an a policy server storing user security

Art Unit: 3621

profiles and managing said stored user security profiles, each of said members' security profile indicating a level of authorization for corresponding member (see paragraph [0349]).

Referring to claim 17, Peterson et al. disclose a database server, said database server storing and managing member information, procedures and functions, and providing selected stored information responsive to appropriate requests from authorized members (see paragraphs [0110], [0111] and [0322]).

Referring to claim 25, Peterson et al. disclose one or more specifications are stored on member computers, member computers being remotely connected to said information system, the location of remotely stored said specifications being stored on said information system (see paragraphs [0321] & [0322]).

Referring to claim 27, Peterson et al. disclose one or more specification is stored in said central storage (see paragraphs [0130] & [0143]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. as applied to claim 1 above.

Peterson et al. disclose login means for receiving a member identification and corresponding password (see paragraph [0053]). Peterson et al. do not expressly disclose providing a logging-in member portions of said member information responsive to a request.

Art Unit: 3621

However, Peterson et al. teach providing a login member with a homepage, which the Examiner presumes may include member information without violating the scope of Peterson et al.'s invention. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Peterson et al. to provide logging-in member portions of said member information responsive to a request. One of ordinary skill in the art would have been motivated to do this because provides means for quick and easy access to member information.

Referring to claim 12, Peterson et al. disclose members accessing member information regarding products (see claim 1 above). Peterson et al. do not expressly disclose the members of said system are members of a food industry. However, this difference is only found in the nonfunctional descriptive material is not functionally involved in the step recited. The members accessing member information step would be performed the same regardless of the type of members. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *in re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow members to access other members information in any type of industry because such data does not functionally relate to the steps in the method claim.

7. Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. as applied to claims 1 and 25 respectively above, and further in view of US Patent No. 5913210 to Call.

Peterson et al. disclose means for searching member information (see claim 1 above). Peterson et al. do not expressly disclose a search engine having full text indexing and searching capability for searching member supplied documents regarding products stored in said system, and a crawler continuously searching and indexing searched said member supplied documents regarding products, said search engine searching and retrieving documents regarding products indexed by said crawler responsive to member requests. Call discloses disclose a search engine having full text indexing and searching capability for searching member supplied documents regarding products stored in said system, and a crawler continuously searching and indexing searched said member supplied documents regarding products, said search engine searching and retrieving documents regarding products indexed by said crawler responsive to member requests (see col. 7, lines 40-48; col. 11, lines 30-42). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Peterson et al. to include disclose a search engine having full text indexing and searching capability for searching member supplied documents regarding products stored in said system, and a crawler continuously searching and indexing searched said member supplied documents regarding products, said search engine searching and retrieving documents regarding products indexed by said crawler responsive to member requests. One of ordinary skill in the art would have been motivated to do this because search engines implement proprietary algorithms to create its indices to return only significant results for each query.

8. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. as applied to claims 1 and 17 respectively above, and further in view of US Publication No. 2001/0051978 to Allen et al.

Art Unit: 3621

Peterson et al. discloses a member accessible information system (see claim 1 above).

Peterson et al. do not expressly disclose a personalization server. Allen et al. disclose a personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter (see paragraphs [0013], [0040]-[0042], and [0045]; fig. 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Peterson et al. to include disclose personalization server, said personalization server recording characteristics of content viewed by members and personalizing content, personalized content automatically being made available to corresponding members thereafter. One of ordinary skill in the art would have been motivated to do this because information stored in a personalization server can be used to produce personalized web site content for the user based upon the interest of the user (see Allen et al., abstract).

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. as applied to claim 1 above, and further in view of US Publication No. 2002/0097235 to Rosenberg et al.

Peterson et al. disclose a member accessible information system (see claim 1 above).

Peterson et al. do not expressly disclose an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking (see paragraph [0041]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Peterson et al. to include an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving

Art Unit: 3621

and tracking. One of ordinary skill in the art would have been motivated to do this because it is a way to quickly deliver ads to receptive audiences (see Rosenberg et al., paragraph [0008]).

10. Claims 8, 9, 21-24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. as applied to claim 1 above, and further in view of US Patent No. 5987440 to O'Neil et al.

Referring to claim 8, 9, 21 and 22, Peterson et al. disclose a member accessible information system (see claim 1 above). Peterson et al. do not expressly disclose billing means. O'Neil et al. disclose billing means (i.e. "LivePaymentServer") for tracking member use, deriving member bills from member use and billing individuals one of said members, said billing means collecting revenues from billed members (see col. 21, lines 37-62). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Peterson et al. to include billing means. One of ordinary skill in the art would have been motivated to do this because it is an effective means for gaining fees to support operation and maintenance expense.

Referring to claim 23, Peterson et al. disclose members accessing member information regarding products (see claim 1 above). Peterson et al. do not expressly disclose the members of said system are members of a food industry; wherein said food industry members include suppliers, manufacturers and customers. However, this difference is only found in the nonfunctional descriptive material is not functionally involved in the step recited. The members accessing member information step would be performed the same regardless of the type of members. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404

Art Unit: 3621

(Fed. Cir. 1983): in re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow members to access other members information in any type of industry because such data does not functionally relate to the steps in the method claim.

Referring to claim 28, Peterson et al. disclose one or more specification are stored in said central storage (see paragraphs [0130] & [0143]).

11. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. and Allen et al. as applied to claim 18 above, and further in view of US Publication No. 2002/0097235 to Rosenberg et al.

Peterson et al. disclose an information system (see claim 1 above). Peterson et al. do not expressly disclose an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking (see paragraph [0041]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Peterson et al. to include an ad server providing advertising content to members, wherein said ad server manages ad content scheduling, serving and tracking. One of ordinary skill in the art would have been motivated to do this because it is a way to quickly deliver ads to receptive audiences (see Rosenberg et al., paragraph [0008]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular and After Final Actions and 703-746-9443 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450***

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

October 14, 2004


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